

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, NOVEMBER 22, 2006 - 1:30 P.M.

ZONING ADMINISTRATOR: Scott Hess, Acting Zoning Administrator

STAFF MEMBER: Ron Santos, Andrew Gonzales, Jeanie Cutler (recording secretary), Kathy Schooley

MINUTES: November 8, 2006

APPROVED AS SUBMITTED

ORAL COMMUNICATION: **NONE**

ITEM 1: CONDITIONAL USE PERMIT NO. 2006-033 (NISSAN SERVICE CENTER – CONTINUED FROM THE NOVEMBER 1, 2006 MEETING):

APPLICANT: Ware Malcomb, c/o Lyle Hutson, 10 Edelman, Irvine, CA 92618
PROPERTY OWNER: Douglas Nissan, c/o Douglas Spedding, 17331 Beach Boulevard, Huntington Beach, CA 92647
REQUEST: To permit construction of a one-story, 21,300 sq. ft. (approximately) vehicle parts and service facility, as an off-site accessory use to an automotive dealership.
LOCATION: 17242 Beach Boulevard (east side of Beach Boulevard, north of Holland Drive)
PROJECT PLANNER: Ron Santos

Ron Santos, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Staff stated that the Design Review Board (DRB) reviewed the project and recommended approval with several revisions which have been incorporated into the plans.

Staff stated that two members of the public spoke directly with staff concerning noise and drainage issues. Staff stated that a noise study had been completed by a consultant which concluded that the project will comply with the City's noise ordinance.

Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary. No other written or verbal comments were received in response to the public notification.

Scott Hess, Acting Zoning Administrator, asked staff about the metal panels on the north side of the building, if the noise study had made any recommendations and if the overhead door on the east side of the building would be open during the day. Staff confirmed that the metal panels were represented on the plans and that the noise study was analyzed based on the assumption that no exterior paging would be carried out on the site.

THE PUBLIC HEARING WAS OPENED.

Julia Marie Heng, adjacent property owner, expressed concern about the provision of safe, adequate and environmentally correct drainage from the project.

Staff confirmed that submittal of a Water Quality Management Plan, and a drainage plan are part of the code requirements.

Dick Harlow, representative for the applicant, spoke in support of the project and had a question in relation to the need for a lot line adjustment. Discussion ensued and Staff confirmed a letter was provided to the applicant showing applicable code requirements and options for a solution to the lot line issue.

Scott Hess engaged in further discussion with Dick Harlow and Steve Toal, builder, relating to the east side property line wall and the grade differential.

Scott Hess asked that the Applicant provide notification to the north, east and south adjoining property owners and tenants describing any activity prior to commencing the grading and construction.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr Hess stated that he was going to approve the requested conditional use permit with modified conditions based upon the findings recommended by staff.

CONDITIONAL USE PERMIT NO. 2006-033 WAS APPROVED BY THE ACTING ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. THE ACTING ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ACTING ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15332 – *In-fill Development Projects* of the CEQA Guidelines, which exempts projects meeting the following criteria:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.

- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2006-033:

1. Conditional Use Permit No. 2006-033 to permit construction of a one-story, 21,300 sq. ft. (approximately) vehicle parts and service facility, as an off-site accessory use to an automotive dealership will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. A noise study, prepared by Mestre Greve Associates, analyzes the proposed project's potential to violate the City of Huntington Beach Noise Ordinance standards and to generate significant noise impacts to adjacent properties. The study concludes that the project will comply with the City of Huntington Beach noise standards. In addition, the project is subject to payment of traffic impact in-lieu fees, which mitigate detrimental impacts associated with project-related traffic generation, and HBZSO requirements for shielding of light sources to prevent adverse impacts on adjacent properties.
2. The conditional use permit will be compatible with surrounding uses because the proposed commercial development will be located on a site designated for commercial use by the General Plan and Zoning Map. In addition, the project site is located along the City's primary commercial corridor, adjacent to existing commercial uses of similar intensity, on a site previously developed for commercial use. The proposed building will be limited to 18 feet in height (excluding parapet walls) for the portion of the structure located within 45 feet of the residential zone boundary, and an overall building height of approximately 27 feet (including parapet walls), thereby maintaining compatibility with adjacent two-story residential buildings. The proposed use will be ancillary to an existing automotive dealership located across the street and is located in close proximity to other automotive service uses existing along the Beach Boulevard commercial corridor, and consequently will be compatible with surrounding land uses.
3. The proposed project will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, including minimum building setbacks, on-site parking and landscaping requirements, and maximum building height and floor area ratio. The proposed use is permitted in the CG zoning district with approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (Commercial General – 0.35 maximum floor area ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

ED 2.4: Revitalize, renovate and expand the existing Huntington Beach commercial facilities while attracting new commercial uses.

LU 1: Achieve development that maintains or improves the City's fiscal viability and reflects economic demands while maintaining and improving the quality of life for the current and future residents of Huntington Beach

UD 6: Through the development or design review process, require or continue to (a) review all projects for potential visual impacts to surrounding areas; and (b) require Design Review Board review of all projects within areas designated by the City Council or deserving special aesthetic consideration, these areas include but are not limited to, the Downtown Specific Plan area, Beach Boulevard, Pacific Coast Highway, areas adjacent to or zoned as Public-Semipublic, areas within primary and secondary entry nodes, and Redevelopment Project areas.

The proposed project is ancillary to an existing automotive dealership located across the street and therefore provides for the expansion and renovation of an existing Huntington Beach commercial facility. In addition, the project will improve the City's fiscal viability by providing for the expansion of a use which generates significant sales tax revenues for the City, while improving the availability of services (automotive service) for residents of the City. The project was reviewed and approved by the City of Huntington Beach Design Review Board and is designed such that service bays are screened from view, in accordance with the City of Huntington Beach Urban Design Guidelines for automotive service uses – thus minimizing visual impacts.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2006-033:

1. The site plan, floor plans, and elevations received and dated October 23, 2006 shall be the conceptually approved design with the following modifications:
 - a. The driveway entrances shall have textured and colored pavement (behind sidewalk on private property) for a minimum depth of ten feet.
 - b. A two foot wide planter shall be provided at the head of each parking stall along the northerly and southerly property lines, as an extension of the site perimeter planters, in lieu of wheel stops. Planting in the vehicle overhang portion of the planter shall be limited to ground cover.
 - c. The width of all rooftop parking stalls adjacent to a wall shall be increased by three feet to a minimum width of 12 feet.
 - d. The drive aisle on the east side of the proposed building shall be designated as one-way only with signs and pavement markings.
 - e. Existing improvements within the public right-of-way, including the roadway width (to centerline) curb-line and sidewalk width, shall be accurately depicted on the site plan and dimensioned. **(PW)**
2. Prior to issuance of grading permits, the following shall be completed:
 - a. All existing and new utilities that are within the project or within easements exclusively serving the site shall be under-grounded. This includes the Southern California Edison (SCE) aerial lines and poles interfering with the proposed building and also running along the entire length of the east side of the properties involved with this project. This condition applies to all utilities, including but not limited to all telephone, electric, and Cable TV lines. If required, easements shall be quitclaimed and new easements granted to the utility companies. **(PW)**
 - b. Written CALTRANS approval of storm drain connection and Parkway Drain into Beach Boulevard or a drainage agreement with an adjoining property owner shall be included

with the Grading Plan first plan check submittal, unless deemed unnecessary by the Department of Public Works. **(PW)**

- c. Title Report, less than 6 weeks old, shall be included with the Grading Plan. The Title Report shall include Assessor Parcel Numbers (APN's) 167-325-20, 167-325-19, 167-325-21 and 167-311-02. If proposed building cross lot lines, a Lot Line Adjustment shall be required to be submitted and reviewed by Public Works and The County Surveyor's Office and to be recorded by the Orange County Recorder's Office. The recorded Easements from the title report shall be plotted on the lot line adjustment. **(PW)**
 - d. Indicate the type and location of Water Quality Treatment Control Best Management Practices (BMP's) on the Grading Plan consistent with the Project WQMP. The WQMP shall follow the City of Huntington Beach; Project Water Quality Management Plan Preparation Guidance Manual dated June 2006. The WQMP shall be submitted with the first submittal of the Grading Plan. **(PW)**
 - e. If a designated car wash area is proposed, it shall not drain to any storm drain system. Wash water from this area may be directed to the sanitary sewer (upon approval by the Orange County Sanitation District), through an engineered infiltration system, or to an equally effective alternative. Pre-treatment may also be required. **(PW)**
 - f. CALTRANS Encroachment permits for work within the CALTRANS right-of-way (for construction of sidewalks, driveways, water connections, etc.) shall be obtained by the applicant or contractor from CALTRANS prior to start of work. A copy of each permit, traffic control plans and other permission granted by CALTRANS shall be transmitted to Public Works. **(PW)**
 - g. The developer shall submit for approval by the Fire Department and Water Division, a hydraulic water analyses to ensure that fire service connection from the point of connection to City water main to the backflow protection device satisfies Water Division standard requirements; and also to verify that on-site pipeline diameter is adequately sized to satisfy fire flow requirement. **(PW)**
 - h. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to all owners and tenants of property adjacent to the project site. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work. A copy of the notice and list of recipients shall be submitted to the Planning Department.
3. Prior to submittal for building permits, the following shall be completed:
- a. Zoning entitlement conditions of approval and code requirements identified herein, shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
 - b. The project plans shall be revised to identify 17242 BEACH BOULEVARD as the project site address.
 - c. The parking summary printed on the title sheet of the project plans shall be revised to state the required parking to floor area ratio applicable to the office portion of the

structure as 1/300, the corresponding required number of parking spaces as 10.67, and the total required number of parking spaces as 73.

4. At least 14 days prior to issuance of building permits, the applicant/developer shall provide notice in writing to all owners and tenants of property adjacent to the project site. The notice shall include a general description of planned construction activities and an estimated timeline for commencement and completion of work. A copy of the notice and list of recipients shall be submitted to the Planning Department.
5. Outdoor speaker/paging system(s) shall be prohibited.
6. The Director of Planning may approve minor amendments to conditions of approval as appropriate based on changed circumstances, new information or other relevant factors.

ITEM 2: CONDITIONAL USE PERMIT NO. 2006-036 (BACI DI ROMA RESTAURANT EXPANSION)

APPLICANT: Michael C. Adams, 21190 Beach Boulevard, Huntington Beach, CA 92649

PROPERTY OWNER: Michael Nerio, 16631 Roosevelt Lane, Huntington Beach, CA 92649

REQUEST: To permit the onsite sale and consumption of alcoholic beverages for the expansion of an existing restaurant unit located within three hundred feet (300') of a residential district.

LOCATION: 5205 Warner Avenue (North side of Warner Ave., between Airport Cir. and Plaza Ln.)

PROJECT PLANNER: Andrew Gonzales

Andrew Gonzales, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary emphasizing the suggested modifications to the plans.

Staff stated that the Design Review Board (DRB) recommended approval based on plans which have since been revised by the applicant.

Staff stated that the Police Department had concerns about limiting the alcohol service to not later than 10:00 pm in the outdoor dining area. Staff recommended approval of the request based upon the suggested findings and subject to the suggested conditions as presented in the executive summary. Staff stated that no inquiries were made and no other written or verbal comments were received in response to the public notification.

Scott Hess, Zoning Administrator, clarified with staff the DRB recommendations.

Staff recommended approval of the revised plans subject to conditions providing for consistency with the intent of the DRB's action; or as an alternative to the conditions, subject to review of the revised plans by the DRB.

THE PUBLIC HEARING WAS OPENED.

Wayne Carvalho, representative for the applicant, spoke in favor of the project and stated his agreement with the suggested conditions. Mr. Carvalho also relayed a concern by the architect in relation to whether the tower element was necessary.

Mr. Hess engaged in discussions with Mr. Carvalho concerning design alternatives for the structure.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Hess asked Staff to modify the suggested conditions by adding condition No.1.c and No.2.

CONDITIONAL USE PERMIT NO. 2006-036 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 – *Existing Facilities* of the CEQA Guidelines, which excepts negligible expansion of existing structures not resulting in an increase of more than 10,000 square feet of an existing use if:

- (a) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and
- (b) The area in which the project is located is not environmentally sensitive.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2006-036

1. Conditional Use Permit No. 2006-036 a 960 square foot expansion of an existing 1,680 square foot commercial unit within the Meadowlark Specific Plan will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood because the proposed use expands an existing restaurant, which is not anticipated to create any undue noise, traffic, parking deficiencies, or other impacts.
2. The conditional use permit will be compatible with surrounding land uses because the commercial expansion project will occur in an existing shopping center and will be surrounded by similar and complimentary uses.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance and Meadowlark Specific Plan including minimum building setbacks, on-site parking and landscaping requirements, and maximum building height and floor area ratio. The proposed use is permitted in the SP8 (Meadowlark Specific Plan) zoning district with approval of a conditional use permit.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-sp (Mixed Use – Specific Plan Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

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Objective 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, serve visitors to the City, and capitalize on Huntington Beach's recreational resources.

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Policy 10.1.5: Require that the buildings, parking, and vehicular access be sited and designed to prevent adverse impacts on adjacent residential neighborhoods.

B. Economic Development Element

Objective 2.4: Revitalize, renovate and expand the existing Huntington Beach commercial facilities while attracting new commercial uses.

Policy 2.4.1: Encourage and assist existing and potential commercial owners to modernize and expand their commercial properties.

The proposed restaurant expansion meets all applicable zoning codes, development standards, and provides a diversity of commercial uses to surrounding residential neighborhoods. The expansion project intends to prevent adverse impacts on adjacent residential neighborhoods by designing the building's expansion to duplicate the setbacks, parking, and vehicular access of the existing shopping center's westerly wing. The expansion project proposes to modernize the center's existing commercial unit in order to attract a vibrant use that is complimentary to surrounding land uses and accommodating to the needs of all residents in Huntington Beach.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2006-036

1. The site plan, floor plans, and elevations received and dated November 8, 2006, shall be the conceptually approved design with the following modifications:
 - a. The proposed addition shall replicate the rafter tails and roof cornice element found along the eave and roofline of the existing shopping center.
 - b. The windows located on the westerly elevation of the proposed addition shall replicate the windows found at the existing shopping center.
 - c. The architectural gable roof element shall be maintained or relocated to the building's westerly elevation subject to the approval of the Planning Director.
 - d. A 4'-0" wide (minimum) pedestrian access way shall be maintained between the proposed addition and the adjoining parking area.
2. Alcohol sales within the outdoor patio area shall be limited between the hours 11:00 AM to 10:00 PM.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

THE MEETING WAS ADJOURNED AT 2:17 PM BY THE ACTING ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, NOVEMBER 29, 2006 AT 1:30 PM.

Scott Hess
Acting Zoning Administrator

SH:jkc